

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

T. Terell Bryan, #254638, a/k/a Terence
Terell Bryan,

Plaintiff,

vs.

F.B.I.; S.L.E.D.; U.S. Attorney (S.C.);
U.S. Attorney (Guam); Attorney General
(S.C.); S.C.D.C.; Jon Ozmint; Donna
Hodges; Jimmy Sligh; Linda Dunlap;
Ann Moak; Russell Campbell; Gerri
Miro; Robert Woods; Amy R. Enlow;
Cathy C. Jones; Victoria O. Balogun;
Nurse Tipton; Warden McCall; Doctor
Benjamin F. Lewis, Jr.; Miriam
Cocciolone; James Simmons, III;
Greenville Co. Clerk; Greenville Co.
Solicitor; Greenville Co. Magistrate,

Defendants.

C/A No.: 1:10-2554-TLW-SVH

ORDER

This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Shiva V. Hodges, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In her Report, Magistrate Judge Hodges recommends that the remaining defendants’ motion for summary judgment (Entry #84) be granted and motion to dismiss (Entry #117) be deemed moot. Additionally, the Report recommends that if the Report and Recommendation is accepted, all other motions pending at the time the Report was filed will be rendered moot. The plaintiff has filed objections to the Report. (Docs. # 159 & # 162).

In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections. . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F.Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of this standard, the Court has reviewed, de novo, the Report and the objections thereto. The Court accepts the Report.

THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 151); plaintiff's objections are **OVERRULED** (Docs. # 159 & # 162); and the remaining defendants' motion for summary judgment (Entry #84) is **GRANTED** and the motion to dismiss (Entry #117) is **MOOT**. Additionally, as recommended in the Report, all other motions pending at the time the Report was filed are rendered **MOOT**. Plaintiff's motion to compel (Doc.# 153), motion for expert witness (Doc. # 155), and motion to amend/correct complaint (Doc. # 156) are **DENIED** as being without sufficient legal basis.

IT IS SO ORDERED.

s/ Terry L. Wooten
TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

December 15, 2011
Florence, South Carolina